

AMENDING THE ACT OF AUGUST 27, 1954, SO AS TO PROVIDE FOR
THE ERECTION OF APPROPRIATE MARKERS IN NATIONAL
CEMETERIES TO HONOR THE MEMORY OF CERTAIN MEMBERS
OF THE ARMED FORCES WHO DIED OR WERE KILLED WHILE
SERVING IN SUCH FORCES

JUNE 4, 1956.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs, sub-
mitted the following

REPORT

[To accompany S. 2512]

The Committee on Interior and Insular Affairs, to whom was
referred the bill (S. 2512) to amend the act of August 27, 1954, so as
to provide for the erection of appropriate markers in national ceme-
teries to honor the memory of certain members of the Armed Forces
who died or were killed while serving in such forces, having con-
sidered the same, report favorably thereon with amendments and
recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

That the Act entitled "An Act to provide for the erection of appropriate markers
in national cemeteries to honor the memory of members of the Armed Forces
missing in action", approved August 27, 1954 (68 Stat. 880), is amended by
adding after the word "action," the words "or who died or were killed while
serving in such forces, and whose remains have not been identified, have been
buried at sea, or have been determined to be nonrecoverable,".

PURPOSE OF S. 2512

If enacted, S. 2512 would amend the act of August 27, 1954 (68
Stat. 880), so as to permit the assignment of memorial plots in national
cemeteries in the cases of all members of the Armed Forces who died
or were killed while on active duty, and whose remains are not identi-
fied or recovered, or who are buried at sea. The act now permits the
assignment of memorial plots in national cemeteries only to those
missing in action.

No appropriation of Federal funds is authorized by this legislation.

2 PROVIDE APPROPRIATE MARKERS IN NATIONAL CEMETERIES

EXPLANATION OF THE BILL

The committee notes that the title of the act of August 27, 1954, is a misnomer. The principal purpose of the act is to permit the assignment of memorial plots in national cemeteries. The act does not provide for the erection of markers by the Federal Government, as might be inferred from the wording of the title. The act permits the erection of appropriate markers on assigned memorial plots; however, the cost of such markers, including the erection thereof, is borne by the applicant and not by the Federal Government.

During a hearing on S. 2512 a witness from the Department of the Army, and speaking for the Department of Defense, informed this committee that it was the Department's experience that the law, as presently worded, does not provide an acceptable solution of the memorialization problem. This witness testified that the term "missing in action" is used to describe only those battle casualties whose whereabouts or actual fate cannot be determined and has, therefore, a very limited application. It was asserted that the Department finds it difficult to administer the several acts limited to the memorialization of only those determined to be "missing in action."

If enacted, S. 2512, as amended by the committee, would permit the assignment of memorial plots in national cemeteries for individuals who die or who are killed while serving in the Armed Forces during peacetime and those whose death occurred during wartime from reasons other than contact with an enemy, as well as those missing in action, and whose remains have not been identified, have been buried at sea, or have been determined to be nonrecoverable.

It is stated in the Department's report that the enactment of S. 2512 would not have any substantial fiscal effect on the Department of Defense.

COMMITTEE AMENDMENT

The committee amendment to S. 2512 does not change the substance or purpose of the bill as it passed the Senate. The committee preferred to broaden the act of August 27, 1954, by retaining the words "missing in action" and adding the identical wording which the Senate chose to insert in lieu of the words "missing in action."

DEPARTMENTAL REPORT

The favorable report of the Department of the Army, as submitted to the Committee on Interior and Insular Affairs, wherein it is reported that the Bureau of the Budget has no objection, is set forth as follows:

DEPARTMENT OF THE ARMY,
Washington, D. C., February 27, 1956.

HON. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of the Army for the views of the Department of the Army with respect to S. 2512, 84th Congress, a bill to amend the act of August 27, 1954, so as to provide for the erection of appropriate markers in national cemeteries to honor the memory of certain mem-

bers of the Armed Forces who died or were killed while serving in such forces. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense thereon.

The Department of the Army, on behalf of the Department of Defense, favors the above-mentioned bill.

The purpose of the bill is to amend Public Law 675, 83d Congress, by deleting the phrase "missing in action" and substituting "who died or were killed while serving in such forces, and whose remains have not been identified, have been buried at sea, or have been determined to be nonrecoverable."

The phrase "missing in action" is a term used to describe all battle casualties whose whereabouts or actual fate cannot be determined and who are not known to be in an unauthorized absence status, i. e., desertion or absence without leave. In addition, individuals whose death results from causes other than contact with an enemy cannot be memorialized under this act if the phrase "missing in action" is strictly interpreted. The use of the proposed substitute language will also permit the memorialization of individuals who die or who are killed while serving in the Armed Forces during peacetime.

If enacted into law, this bill will not have any substantial fiscal effects on the Department of Defense.

It is noted that there now exists authority for one type of memorialization for some persons who would also be covered by this proposal. The act of July 1, 1948 (62 Stat. 1215; 24 U. S. C. 279a-c), authorizes memorialization of persons who died while serving in the Armed Forces in an overseas theater of operations on or after September 3, 1939, whose bodies have not been recovered or identified or have been buried at sea, by inscribing the name and pertinent data of each such person on the wall of a chapel or other appropriate memorial erected by the American Battle Monuments Commission or by the Department of the Army.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italics*, existing law in which no change is proposed is shown in *roman*):

ACT OF AUGUST 27, 1954 (68 STAT. 880)

The Secretary of the Interior and the Secretary of the Army shall set aside, when available, suitable plots in the national cemeteries under their jurisdiction to honor the memory of members of the Armed Forces missing in action, *or who died or were killed while serving in*

4 PROVIDE APPROPRIATE MARKERS IN NATIONAL CEMETERIES

such forces, and whose remains have not been identified, have been buried at sea, or have been determined to be non-recoverable, and shall, under regulations to be jointly prescribed by them, permit the erection of appropriate markers thereon in honor of any such member or group of members.

The Committee on Interior and Insular Affairs recommends the enactment of S. 2512.

